

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

[] HRFO (1000) [X] BRFO (3000) [] District ()

CX#: DOI-BLM-NV-W030 -2012-0012-CX	Date: 2/17/2012
Regulatory Authority (CFR or Law): 43 CFR	Lease / Case File / Serial #: CX-2012-0002
BLM Manual: 8320 – Planning For Recreation Resources	
Subject Function Code: 8366 – Recreation Site Management	
Project Lead Preliminary Review: Is the project located within a SG 75% BBDA (Sage Grouse 75% Bird Breeding Density Area)? Yes	

1. BLM District Office: Winnemucca District Office
2. Name of Project Lead: Zach Million
3. Project Title: Summit Lake area abandoned vehicle removal
4. Applicant: BRFO
5. Project Description: (briefly describe who, what, when, where, why, how): The proposed action would be to authorize the breakdown and removal of an abandoned vehicle, 35 feet West of Soldier Meadows road (BLM 200), 2 miles south of Summit Lake Indian Reservation along BLM 200. The vehicle has been stripped of all valuable components (missing the engine, wheels, transmission, glass, and all trim pieces), and has subsequently been filled with garbage and shot hundreds of times. Breakdown and removal would occur by BLM agency personnel May 15 – June 15, weather and workload depending.

Implementation of the proposed action would seek to improve the visual landscape in the area just west of the mostly untrammled North Black Rock Range Wilderness. Removal of the abandoned vehicle would also help to minimize the growth of a roadside dumping area in this remote landscape.

Project dimensions (length, width, height, depth): Car is 14 feet long, six feet wide, 4 feet in height.

Will the project result in new surface disturbance? Yes _____ No X

Has the project area been previously disturbed? Yes X No _____ N/A _____. If yes, what percent of the project area has been disturbed? 100 % . If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: T. 41 N., R. 25 E., sec. 11, NE 1/4 NE 1/4
 T. _____ N., R. _____ E., sec. _____, _____ 1/4 _____ 1/4

USGS 24k Quad name: Red Mountain, NV

100k map name: High Rock Canyon, NV

Land Status: BLM X Private _____ Other _____

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Applicant: BRFO

Project Title: Summit Lake Area Abandoned Vehicle Removal

7. Create PDFs of 1:24000 Project Location Map and 1:100,000 general vicinity map. (See template and instructions located in

T:\NV\GIS_Work\WMDO\Project\Planning\NEPA\WorkingData. Instructions are located in S:\NEPA_2010\NEPA Templates 2010\Proposed Action_Needs Assessment)

Part I: Plan Conformance Review

The proposed Action is subject to the:

- ☐ Paradise-Denio Management Framework Plan
- ☐ Sonoma-Gerlach Management Framework Plan
- ☒ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP. The project would be in conformance with the land use plan, Section 2.2.2 Transportation and OHV Routes, TRANS-3: "Maintenance of BLM roads and motorized trails will occur in a manner that minimizes disturbance of resources and visual setting."

(The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

- ☒ 516 DM11.9, (BLM) (**J. Other**) 10. Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	x
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	x	<input type="checkbox"/>
3. Could the proposed action result in "take" under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input type="checkbox"/>	x

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	X	Greater sage-grouse (<i>Centrocercus urophasianus</i>)	X Yes <input type="checkbox"/> No	Recommendation: Removal of vehicle should not occur between March 1 and June 15 to avoid disturbance to nearby lek and nests.
<input type="checkbox"/>	X	Bighorn sheep (<i>Ovis canadensis</i>)	X Yes <input type="checkbox"/> No	Disturbance is expected to be minimal as the project is on the fringe of habitat. Recommendation: Complete project as quickly as possible.
<input type="checkbox"/>	<input type="checkbox"/>		Yes <input type="checkbox"/> No	

<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
Several would occur in the area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If project is completed during nesting season (March 1 - August 31), the following is recommended: Complete project as quickly as possible and avoid disturbance to shrubs during removal of vehicle.
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks: (if there are any applicable mitigation measures, including any standard stipulations, conditions of approval, terms of conditions, etc. that would be attached to the permit, state "See Attached" and attach a copy to the CX.)

Part III: DECISION: I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified above. under the authority of 43 CFR 1601.0-2.

[The objective of resource management planning by the Bureau of Land Management is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management and ensure participation by the public, state and local governments, Indian tribes and appropriate Federal agencies.]

Remarks reserved for authorized officer:

Authorized Official _____ \s\ Sheila Mallory _____ Date: 4/30/2012
(Signature)

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under See 43 CFR 4.411 01(a) Part 4 for general rules relating to procedures and practice involving appeals and must file in the office of the officer who made the decision (not the board), in writing to Sheila Mallory, Black Rock Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the

following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).